

ORDINANCE NO. 13-016

AN ORDINANCE ESTABLISHING ROTATING SCHEDULES, POLICY GUIDELINES,
RATES, AND FEES FOR WRECKER SERVICES UTILIZED BY THE CITY OF
GEORGETOWN.

Sponsor: Council Member Mark Singer

NOW THEREFORE, Be it ordained by the City of Georgetown:

Section One

The Georgetown Police Department shall maintain rotating schedules specific to the tow service needed (flat bed, conventional tow truck and tractor trailer capable). These schedules will be established and maintained at the county communications center (Central Dispatch). The schedules will rotate in such a manner as to give each participating wrecker service an equal opportunity to be contacted or attempted to be contacted by dispatch.

The rotation schedule may be changed by unilateral action of the Chief of Police to add or delete wrecker services. Wrecker services may only be deleted from the schedule for non-compliance with the terms of this ordinance or upon written notice from the operator that the service no longer wishes to participate in the schedule or has ceased business. No other changes may be made to the schedule except with approval by the Chief of Police.

The Georgetown Police Department has an obligation to consumers to ensure that the rates participating wrecker services charge are fair and reasonable. The Georgetown Police Department reserves the right to remove any wrecker service from the rotating schedules for infractions of this ordinance. Infractions include but are not limited to: failure to adequately clean and remove debris at accident scenes, failure to follow the basic fee schedule, failure to document additional charges (when applicable) on tow bills, and/or failure to arrive in timely manner (providing for conditions).

The Georgetown Police Department will review the tow service rates during the first week of January every year.

Nothing in this Ordinance shall be interpreted to prohibit the owner of a vehicle requiring wrecker service to choose his or her preferred wrecker service. In such case, however, it shall be the responsibility of the owner to contact the wrecker service.

Section Two

When an event necessitating the use of wrecker service occurs, Central Dispatch shall attempt to contact the next participating wrecker service on the schedule. Should

Dispatch be unable to make contact with the first wrecker service on the rotating schedule, first wrecker service shall forfeit that call and Dispatch shall attempt to contact the second wrecker service on the schedule. The first wrecker service shall remain on the schedule and shall move to the end of the rotation.

Any wrecker service after being called that does not arrive on the scene within 30 minutes (considering reasonable conditions) shall forfeit that call and the next wrecker service on the list may be called. A wrecker service that fails to arrive (under reasonable conditions) within 30 minutes shall receive a written warning. A second offense (under reasonable conditions) in 12 months shall result in a 30 day loss in the privilege of being on the rotation. A third offense (under reasonable conditions) in a 12 month period shall result in the removal from the list for one calendar year.

Section Three

Any wrecker service wishing to provide service originated by the Georgetown Police Department and therefore participate in the rotating schedule for service calls shall abide by the following terms and conditions:

- A. Each wrecker service on the list will abide by the mandates of KRS 189.754 and remain equipped with the tools necessary for cleaning and removal of debris (the result of traffic accidents) from the roadway.
- B. Each wrecker service shall provide on-scene clean-up of wreck debris, except for hazardous materials. This service will be provided at no cost unless and except for extra-ordinary circumstances which must then be itemized in the towing service bill and be subject to review by the Chief of Police. Nothing in this ordinance shall be interpreted to prohibit the Police or Fire Department from offering cleanup assistance on scene.
- C. No wrecker service shall remove a vehicle from an accident scene until the on scene police or fire personnel have authorized the vehicle to be removed.
- D. Each wrecker service called to a scene by the Georgetown Police Department shall collect only one vehicle unless special circumstances exist. Special circumstances may include, in the opinion of the on scene officer, whether there is a specific public safety issue if more than one vehicle is not removed immediately.
- E. Each wrecker service on the rotating schedules must:
 - a. Own a wrecker service within Georgetown-Scott County with adequate equipment, except Semi-Wreckers
 - b. Maintain a City Business License
 - c. Comply with the Commercial Driver's License Laws where applicable
 - d. Possess proof of insurance of a minimum of \$1,000,000.00 Commercial Wrecker Service Liability Insurance and retain same through the time they remain on the rotating schedule
 - e. Be responsible for towed vehicles stored in a secured area at his/her place of business in Georgetown-Scott County, Kentucky, and

- f. Lawfully operate and maintain a secured storage area that is in compliance with all applicable laws and regulations. For purposes of this section, a secure facility shall include any facility upon which the operator or his designee is living, or a facility with 24 hours security personnel on the premises.
- g. Consent to an inspection of owner's premises from the Chief of Police as to security of the storage facilities.

Section Four

For services rendered pursuant to the terms of this ordinance, wrecker services shall not exceed the following schedule of rates for pick-up trucks and passenger vehicles:

Wrecker Service Calls (day and night)	\$90.00 per hour
Storage (outside)	\$30.00 per day
Inside Storage	\$35.00 starting first day
Mileage for tows outside city limits	\$2.00 a mile round trip

Storage fees- A two day storage fee may be charged by the wrecker services if the vehicle is towed before 12:00 midnight and continues into the next day. A one day storage fee may be charged if the vehicle is towed and also released within the same calendar day.

Mileage- mileage is only applicable for calls outside the City Limits of Georgetown and calculation begins when the wrecker leaves the city limits and ceases when the wrecker returns to the city limits.

Special Circumstances- if additional equipment, manpower or man hours are necessary during the performance of a wrecker service call they must be charged at a fair market value and must be itemized on the service bill.

Because tractor trailer tows require specialized equipment and accidents involving tractor trailers go above and beyond standard towing situations, it is impractical to attempt to set a standard price for wrecker service of this nature. However, wrecker services requested by Georgetown Police Department where a tractor trailer is involved must result in a tow charge that is based on a fair market value for the service provided.

The operator of the wrecker service shall be responsible for collecting fees for services rendered.

Section Five

Any complaints related to a tow service or tow charge where the service was requested by the Georgetown Police Department should be directed to both the wrecker service and the Georgetown Police Department for review.

Section Six

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unlawful by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section Seven

This Ordinance shall take place immediately upon passage and publication to the extent allowable by law and that the amended tax rate shall take effect on July 1, 2014 as required by KRS 91A.080.

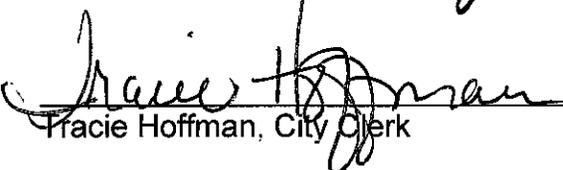
PUBLICLY INTRODUCED AND READ FIRST TIME: July 22, 2013

PUBLICLY READ SECOND TIME AND PASSED: August 12, 2013

APPROVED:


Everette L. Varney, Mayor

ATTEST:


Tracie Hoffman, City Clerk

**CITY OF GEORGETOWN
ORDINANCE NO. 13-016**

**AN ORDINANCE ESTABLISHING ROTATING SCHEDULES, POLICY
GUIDELINES, RATES, AND FEES FOR WRECKER SERVICES UTILIZED BY
THE CITY OF GEORGETOWN.**

Sponsor: Council Member Mark Singer

SUMMARY

SECTION 1

Provides for the creation of a rotating schedule of wrecker services to be contacted in the event the city requires such a service. Allows the Chief of Police to change the schedule to add or delete wreckers. Provides for periodic review of towing rates. Provides for removal from the schedule for non-compliance.

SECTION 2

Establishes protocol for central dispatch in carrying out the rotating schedule. Specifies times and circumstances for proceeding through the list of participating wreckers. Provides for temporary suspension from the schedule in the event of failure to arrive within 30 minutes of call.

SECTION 3

Establishes minimum requirements for wrecker services wishing to participate in the rotating schedule.

SECTION 4

Establishes a schedule of towing, mileage and storage rates for wrecker services provided pursuant to the terms of the ordinance. Requires rates on semi-truck tows to be provided at fair market value. Requires the operator of the wrecker service to collect fees for services.

SECTION 5

Provides that any complaints related to a tow service or charge provided pursuant to the ordinance be directed to both the operator and the Georgetown Police Department.

SECTION 6

Provides that if any portion of this Ordinance is for any reason held invalid or unlawful such portion shall be deemed a separate provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

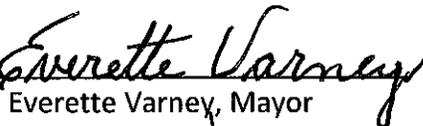
SECTION 7

Provides that this Ordinance shall become effective upon passage and publication.

The full text of Ordinance 13-016 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

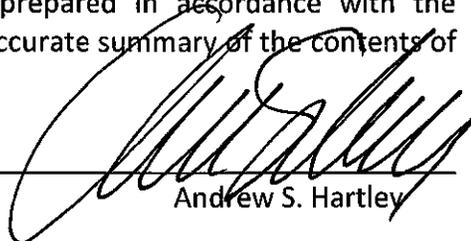
INTRODUCED AND PUBLICLY READ FIRST TIME: July 22, 2013

PUBLICLY READ SECOND TIME AND PASSED: August 12, 2013

APPROVED: 
Everette Varney, Mayor

ATTEST: 
Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 13-016 of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.


Andrew S. Hartley